

Hines for a discussion of this case, summarized below. Favorable reconsideration is requested.

The Examiner asked that the specification be amended to recite the earlier-filed application. That was done in a transmittal letter when this divisional application was filed.

The well-known acronym "BSA" stands for bovin serum albumin. HCV refers to hepatitis C virus. On page 9, lines 9-10 hepatitis B virus (HBV) is described.

The SEQ ID NOs have been amended to correct the format.

Claims 17-22 are rejected under 35 U.S.C. §103(a) over Takahara et al in view of Weiner et al.

Takahara et al teaches a method of gene therapy in which a biologically active peptide having at least one glutamine residue is conjugated to a high-molecular weight substance having the ability to combine with nucleic acids. This conjugate is then formed into a complex with a DNA, and used for gene therapy. Weiner et al merely discloses an antibody agglutination assay for polypeptides, but does not indicate what would happen to the antigenic properties of the polypeptides if they were bound to a nucleic acid, as claimed. The agglutination effect required by the Weiner et al, but that process is easily disrupted the presence of DNA in the complex would have been expected to prevent agglutination by keeping the antigen in solution. If one could not have observed agglutination the Weiner et al process would not have been useful. Accordingly, there was no motivation to combine these two disclosures.

Claims 23 and 24 are rejected over Takahara in view of Weiner et al in further view of Ono et al. Claims 31 and 32 are rejected over Takahara in view of Gibbons in further view of Ono et al. The Ono et al reference was cited because it teaches SEQ ID NO: 2. But this

sequence is merely a feature of the dependent claims. These claims should be patentable on the same basis as the broader claims.

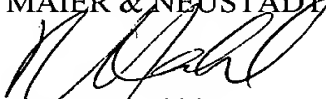
Claims 25-30 are rejected under 35 U.S.C. §103(a) over Takahara in view of Gibbons.

Takahara is discussed above. Gibbons was cited for its disclosure of an agglutination assay. The method involves forming a reaction medium containing a sample, a plurality of particles having a binding pair member bound to the surface, and a complementary partner to said binding pair member attached to an analyte mimic or analyte binding partner. However, the presence of DNA in the assay involves complementary nucleic acid strands, so naturally they bind each other. The present invention has a single nucleic acid strand bound to a polypeptide antigen, without necessarily having a complementary DNA strand present. The effect on agglutination of this arrangement could not have been predicted from a knowledge of the Gibbons method.

Applicants submit that the case is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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